

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

REC'D 22 JUN 2005

(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference SEZ 0078-WO		FOR FURTHER ACTION	
		See Form PCT/PEA/416	
International application No. PCT/IB2004/050238		International filing date (day/month/year) 12.03.2004	Priority date (day/month/year) 20.03.2003
International Patent Classification (IPC) or national classification and IPC H01L21/00			
Applicant SEZ AG et al.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)), containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application 			
Date of submission of the demand 21.10.2004		Date of completion of this report 17.06.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office - Gitschner Str. 103 D-10958 Berlin Tel. +49 30 25901 - 0 Fax: +49 30 25901 - 840		Authorized Officer Hamdani, F Telephone No. +49 30 25901-759	



**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/IB2004/050238

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-5 as originally filed

Claims, Numbers

1-8 as originally filed

Drawings, Sheets

1/2-2/2 as originally filed

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	2,3
	No:	Claims	1, 4-8
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-8
Industrial applicability (IA)	Yes:	Claims	1-8
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

- D1: US-A-4 903 717 (SUMNITSCH FRANZ) 27 February 1990 (1990-02-27) cited in the application
- D2: DE 198 07 460 A (SEZ SEMICONDUCT EQUIP ZUBEHOER) 15 April 1999 (1999-04-15)
- D3: PATENT ABSTRACTS OF JAPAN vol. 2000, no. 20, 10 July 2001 (2001-07-10) & JP 2001 077082 A (TAKATA CORP), 23 March 2001 (2001-03-23)
- D4: US-A-5 678 116 (KITAGAWA MASARU ET AL) 14 October 1997 (1997-10-14)

a. Lack of novelty:

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1 and 4-8 is not new in the sense of Article 33(2) PCT.

The document **D1** discloses a **device** for wet treating a flat plate-like substrate **according to claim 1**.

It is to mention that the exhaust influencing means, which is associated with at least one of said two exhaust levels for selectively varying gas flow conditions in at least two exhaust levels could be a pump system which is related to the gas exhaust area.

It is also quite clear that such a pumping system is always connected with intermediary valves and connectors.

Document **D1** discloses as well the **method** of controlling the gas flow within a device for wet treating a substrate **according to claim 7**. It is to mention that the gas flow condition are implicitly different in a plurality of stacked exhaust levels as disclosed in **D1**.

Claims 4-6 and 8 are constructional details and method step that are known from document **D1**.

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Furthermore, Claims 1 and 4-8 are also disclosed in each of document D2 and D3.

b. Lack of inventive step:

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of **claims 2 and 3** does not involve an inventive step in the sense of Article 33(3) PCT.

The use of valves as means of influencing and controlling the gas flow within a device as known from D1 does not involve an inventive step as it is obvious to the skilled person of the art to introduce such feature which is disclosed in Document D4 to solve the same problem.